REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim Amendments

Claim 1 has been amended to recite that the acid-soluble soybean protein is obtained by subjecting a solution containing a soybean protein to one or both of (a) removal or inactivation of polyanionic substances, or (b) addition of a polycationic substance. Support for this amendment can be found on page 9, lines 3-10 of Applicants' specification. Thus, no new matter has been added to this application by this amendment.

Patentability Arguments

The patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Rejection Under 35 U.S.C. § 103(a)

The rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Hunter (U.S. 3,749,588) is respectfully traversed.

The Examiner states that Applicants' remarks presented in the response to the final rejection are not persuasive for the reasons of record. However, the Examiner has not specifically addressed the comments set forth in the response filed March 23, 2009.

The soybean protein employed in the Hunter reference is distinguished from Applicants' recited acid-soluble soybean protein. Specifically, Applicants' claims clearly require that the recited acid-soluble soybean protein has a solubility of 90% or more at pH 4.5 or lower. Thus, in order to satisfy the limitations of Applicants' claims, the prior art must teach a soybean protein which has a solubility of 90% over the entire range of pH 4.5 and lower.

However, the protein used in Hunter is a conventional soybean protein isolate, and uts

solubility is 67% at a pH of 3.0, before removal of insoluble materials. (Please see column 3, line 20 of the reference.) Clearly, a solubility of 67% does not equate to a solubility of 90% or more, as required by Applicants' claims.

Additionally, in item 8 of the final rejection, the Examiner recognizes that Hunter teaches avoiding heating (i.e., heating the solution without the protein, then cooling before the addition of the protein), so that the protein is not denatured. Example 1 of the Hunter reference discloses that the boiled mixture (mixture of grape juice, sugar and pectin) is allowed to cool to form a partial gel. (Please see column 4, lines 21-23 of the reference.) Thus, Hunter clearly teaches away from Applicants' claimed process, which requires heating a solution of an acid-soluble soybean protein. Further, since Hunter teaches avoiding the denaturation of the protein, the jelly of Hunter is a pectin gel, not a gel of a soybean protein.

Lastly, the cited reference fails to teach or suggest the newly recited limitation, i.e., that the acid-soluble soybean protein is obtained by subjecting a solution comprising a soybean protein to one or both of (a) removal or inactivation of polyanionic substances, or (b) addition of a polycationic substance.

The Examiner is respectfully requested to consider and address each of the above arguments.

For the reasons set forth above, the invention of claims 1-6 is clearly patentable over Hunter. Withdrawal of this rejection is respectfully requested.

Withdrawal of Double Patenting Rejection

Applicants appreciate the indication that the double patenting rejection has been withdrawn.

Conclusion

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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